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Weekend Core Course: ETHICS AND BOUNDARY DILEMMAS

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I. Course Description

Questions regarding ethics and boundary violations by psychoanalysts emerged early in the history of clinical practice. Since that time a considerable body of literature has developed dealing with theoretical and practical issues in the behavior of analysts toward their patients. Concerns similar to these in psychoanalysis arose in the allied fields of psychiatry, psychology, social work and family practice, and led to the creation of Ethics Codes by professional organizations and training institutions for their members and candidates. This course will introduce the student to the history of reflection on professional ethics and boundary violations, provide a review of the theoretical literature as well as the ethics codes themselves and present clinical examples to sharpen students' assessments of their own conscious and unconscious processes in the practice of psychoanalyses.

II. Course Objectives

The overall objective of this class is to give participants an understanding of the history of reflection on professional ethics and boundary violations, provide a review of the theoretical literature as well as the ethics codes themselves and present clinical examples to sharpen students' assessments of their own conscious and unconscious processes in the practice of psychoanalyses. At the completion of this course the candidates will be able to:

Session 1

- 1) Describe the history of the concept "boundary violations, as well as its limitations,"
- 2) Describe the assumptions regarding human nature in various professional "Ethics Codes,"
- 3) Articulate the various areas in which psychoanalysts may slide into "boundary violations.

Session 2

- 4) Articulate the basic contents of ICP's Ethics Code as well as the Ethics Codes of their own professional organizations,
- 5) Describe the concept "Ethics of Care" and its place in "the psychoanalytic frame,"
- 6) Explain Aristotle's concept of "Ethics."

Session 3

- 7) Explain the concept of "self-interest" as applied to the practice of psychoanalysis,
- 8) Articulate the role of "self-interest" in relation to arrangements made with patients regarding money and payment for services,
- 9) Explain why psychoanalysts shouldn't solicit wealthy patients or their relatives for psychoanalytic institutions or research projects.

Session 4

- 10) Describe the issues relating to "self-disclosure" in psychoanalytic theory and practice,
- 11) Access when and what kind of "self-disclosure" or "self-revelation" might be of benefit to the patient,
- 12) Explain the warning signs a psychoanalyst should heed when "self-disclosure" becomes inappropriate or harmful to the patient-analyst relationship.

Session 5

- 13) Articulate the meaning of "confidentiality" for the development of a secure surround in the dyad,

- 14) Describe the concerns and requirements regarding “confidentiality” in published cases as well as in consultation,
- 15) Explain why plagiarism is prohibited in research and scholarly publication and why it constitutes an ethical violation.

Session 6

- 16) Explain the meaning of physical touching of patients within the context of potential boundary crossings and violations
- 17) Articulate clearly the legal prohibitions against sexual relationships between analyst and patient.
- 18) Describe procedures for reporting sexual or other violations as understood in the ICP Ethics Code

III. Goals and Objectives Week-by-Week

Session 1 (September 11, 2020): Codes and Boundaries

The first class will introduce the course and focus on the ICP Ethics Code as well as other related codes of ethics. We will start with a general discussion of assumptions and values these documents represent. The ICP Ethics Code contains extensive discussions of boundary crossings and boundary violations. As the term “boundary” carries with it a wide range of semantic baggage, what is the history of its use in psychoanalysis? What are its neutral, positive and negative connotations, and what assumptions do we make when we invoke this term? Should we consider other terms to convey the concepts we associate with “boundary” that would more accurately represent what we mean, and what might those terms be?

Ethics Codes and Articles:

Ethics Codes: Please read the ICP Ethics Code plus the Ethics Code of your own professional organization; if you are not a member of a professional organization, please choose a Code according to your interest. (Click on Title).

- 1) ICP Ethics Code
- 2) American Psychoanalytic Association Code of Ethics
- 3) American Psychiatric Association APA Commentary on Ethics in Practice
- 4) American Psychological Association Ethics Code
- 5) American Association for Marriage and Family Therapy Code of Ethics
- 6) National Association of Social Workers Code of Ethics

Articles: Please read the articles marked with * and if you have time the other articles.

- 1) *Gabbard, G.O. (1995). The Early History of Boundary Violations In Psychoanalysis. *J. Amer. Psychoanal. Assn.*, 43:1115-1136.
- 2) *Goldberg, A. (2008). Some Limits of the Boundary Concept. *Psychoanal Q.*, 77:861- 875.
- 3) Gabbard, G.O. (2008). Boundaries, Technique, and Self-Deception: A Discussion of Arnold Goldberg'. *Psychoanal Q.*, 77:877-881.
- 4) Friedman, H.J. (2008). The Dangers of Conflating Technique with Ethics: Commentary on Arnold Goldberg. *Psychoanal Q.*, 77:907-913.
- 5) *Steven Cooper (2016). Blurring Boundaries or Why We Refer to Sexual Misconduct with Patients as “Boundary Violations.” *Psychoanalytic Dialogues*, 26:206-214.
- 6) Gabbard, G.O. (2016) Commentary on Steven H. Cooper’s Paper “Blurring Boundaries or Why Do We Refer to Sexual Misconduct With Patients as ‘Boundary Violation’”, *Psychoanalytic Dialogues*, 26:2, 223-228

Session 2 (October 23, 2020): The Ethics of Care and the Analyst's Authority.

Psychoanalytic treatment, in its many and varied manifestations, reflects ethical commitments and visions that often remain unarticulated. In this and the following sessions, we will discuss psychoanalytic ethics more broadly.

Virtue ethics, including the idea of “*phronesis*” from Aristotle’s *Nicomachean Ethics* provide the basis for classical ethical theory. *Phronesis* is often translated as “practical wisdom” as opposed to technical knowledge and theory. One of the forms of virtue ethics is the ethics of care, an idea originally developed by feminist thinkers. Hoffman’s article, “Dialectical Thinking and Therapeutic Action,” can be understood as his particular version of an ethics of care.

Contemporary psychoanalysts have expanded our understanding what is often referred to as “the psychoanalytic frame.” This frame includes the arrangements, role relationships, rules and boundaries that characterize psychoanalytic treatment. Our understanding of the issues related to the “frame” relate to the question of the psychoanalyst’s authority, as discussed by Hoffman.

- 1) BBC- Ethics – Introduction to Virtue Ethics, Electronic document:
www.bbc.com/ethics/introduction/virtue.shtml
- 2) 2008 Phronesis. Electronic document: <http://en.wikipedia.org/wiki/Phronesis>
- 3) Hoffman, I.Z. (1994). Dialectical Thinking and Therapeutic Action in the Psychoanalytic Process. *Psychoanal Q.*, 63:187-218.
- 4) Hoffman, I.Z. (1996). The Intimate and Ironic Authority Of The Psychoanalyst's Presence. *Psychoanal Q.*, 65:102-136.

Session 3 (December 4, 2020): Ethics, The Analyst's Self-Interest and Money.

Analysts, as all other human beings, have needs, often described as “self-interest.” In contemporary psychoanalysis “self-interest” is understood to manifest itself in the ways we create the “psychoanalytic frame.” Practically and symbolically this is often concretized in regard to arrangements we make with patients around money.

- 1) Dimen, M. (1994). Money, Love, and Hate: Contradiction and Paradox in Psychoanalysis. *Psychoanal. Dial.*, 4:69-100.
- 2) Hirsch, I (2008): Coasting in the Countertransference, Chapter 1: Coasting in the Countertransference: Analyst’s Pursuit of Self-Interest, p.1-25. Routledge, New York
- 3) Hirsch, I (2008): Coasting in the Countertransference, Chapter 7: Money and the Therapeutic Frame, p.155-175.
- 4) Slochower, J. (2003). The Analyst's Secret Delinquencies. *Psychoanal. Dial.*, 13:451-469.

Session 4 (January 29, 2021): Answering Questions and Self-disclosure.

“Self-disclosure” has been a concern discussed and debated by psychoanalysts for over a century. Self-disclosure is discussed in the articles below with regard to treatment implications as well as its--mostly unstated--ethical implications. Do you find that the comments and distinctions of the various authors make sense to you and are they helpful in shaping how you might act in the psychoanalytic setting? If yes, why; and if not, why not?

- 1) Bacal. H. (2011), THE POWER OF SPECIFICITY IN PSYCHOTHERAPY pp. 107-115
- 2) Levine, S.S. (2007). Nothing but the Truth: Self-Disclosure, Self-Revelation, and the Persona of the Analyst, *J. Amer. Psychoanal. Assn.*, 55:81-104.
- 3) Orange, D.M., Stolorow, R.D. (1998). Self-Disclosure from the Perspective Of Intersubjectivity... *Psychoanal. Inq.*, 18:530-537.

4) Skolnikoff, A (2011): Talking About Oneself, Chapter 7, p.141-163, in : Akhtar, S.: Unusual Interventions, Karnac, London.

5)

Session 5 (March 19, 2021): Confidentiality and Psychoanalysis on the Internet

The articles assigned for this session present somewhat different views on the importance and centrality of confidentiality for developing a secure surround for the analyst-patient relationship. Yet there is a complicated relationship between confidentiality and the need of analysts to communicate with each other about psychoanalysis. This includes the concerns elicited by the publication of case material. The psychic repercussions of breach of confidentiality and sexual boundary violations are of paramount importance for treatment and may become a primary factor breaking the analyst-patient bond.

- 1) Aron, L. (2000). Ethical Considerations in the Writing of Psychoanalytic Case Histories. *Psychoanal. Dial.*, 10:231-245.
- 2) Burka, J.B. (2008). Psychic Fallout from Breach of Confidentiality: A Patient/Analyst's Perspective. *Contemp. Psychoanal.*, 44:177-198
- 3) Furlong, A (2003): The Why of Sharing, and Not the What. In: Levin, Furlong, O'Neil, p.39-49.
- 4) Lear, J. (2003): Confidentiality as a Virtue. In Levin, Furlong, O'Neil (eds): Confidentiality: Ethical Perspective and Clinical Dilemmas, p.3-17, Analytic Press, New Jersey.
- 5) Malater, E. (2007) "Caught in the Web: Patient, Therapist, Email, and the Internet" *Psychoanalytic Rev.* 94:151-168.

Session 6 (April 30, 2021): Physical Contact (Touching and Sexual Issues) from the Perspective of Contemporary Psychoanalyses

The ICP Ethics Code categorizes physical touching as a boundary crossing: "Physical touching is not ordinarily a part of psychoanalytic treatment. However, occasional touch is important in some treatments.... Physical touching, like most other boundary crossings,

should always be discussed in analysis.” Regarding sexual relationships, the Ethics Code states: “Psychoanalysis should never include sex. Any sexualized interactions between a psychoanalyst and patient are sexual misconduct.” The Codes categorically states that “Section 729(b) of the California Business and Professions Code states that sexual exploitation by a psychotherapist is a public offense. *Sexual relationships or contact between analysts and their patients are always unethical.*” The articles assigned for this class underscore the complexities and meanings of touching and sexual relations from contemporary psychoanalytic perspectives.

- 1) Breckenridge, K. (2000) “Physical Touch in Psychoanalysis..A closet Phenomenona?” *Psa Inquiry*, Vol. 20, pp.2-20
- 2) Davies, J.M. (1994). *Love in the Afternoon: A Relational Reconsideration of Desire and Dread in the Afternoon*, *Psychoanal. Dial.*, 4:153-170.
- 3) Fosshage, J.L. (2000). *The Meanings of Touch in Psychoanalysis: A Time for Reassessment*. *Psychoanal. Inq.*, 20:21-43.
- 4) Tansey, M. (1994) “Sexual Attraction and Phobic Dread in the Countertransference,” *Psa Dialogues*, Vol. 4, pps 139-152

BACKGROUND: This course has been taught at ICP for many years. Because of the importance of the content, it is required of all students. As ICP is presently in an accreditation process, the course has special meaning at this juncture. Originally called Boundary Dilemmas, the course title was enlarged (Summer 2017) to encompass a broader conceptual umbrella and is now called: Ethics and Boundary Dilemmas. This minor change emphasizes the commitment of ICP to standards of ethics that are part of many psychoanalytic institutes and communities, as well as those of other mental health training and professional organizations. In addition, ICP has established an Ethics Committee, one of whose primary goals is to develop an ICP Ethics Code. This document delineates the commitment of ICP members and candidates to ethical behavior in the context of our institute's culture of openness to a pluralistic approach to psychoanalytic theories and non-hierarchical values.

In order to preserve the tradition of previous Boundary Dilemmas courses, this syllabus is built on courses taught in recent years by Peter Schou, and Sylvia Jones and Sherry Shirk-Hoffman as well as several other ICP members. Many of the readings have become “classics” in the area of ethics and boundary violation issues for psychoanalysts. This year the ICP Ethics Code and ethics codes of comparable institutes and professional organizations are being introduced, as well as some readings from a larger compendium written for psychologists and other mental health professionals.

COURSE REQUIREMENTS: participation in class discussions and presentation of readings, plus a short paper on an ethical or boundary issue question to be presented in class

CLASS DATES, TIMES AND OFFICE HOURS: The class will meet Friday afternoons,

Session 1: Sep. 21, 2020 at 8:30 AM to 11:00 AM

Session 2: Oct. 2, 2020 at 8:30 AM to 11:00 AM

Session 3: Dec 7, 2020 at 8:30 AM to 11:00 AM

Session 4: Jan 25, 2021 at 8:30 AM to 11:00 AM

Session 5: Mar 22, 2021 at 8:30 AM to 11:00 AM

Session 6: April 3, 2021 at 8:30 AM to 11:00 AM

No specific dates or times for office hours have been set, but the instructor can always be reached at the Office Phone or by Email, listed above under **Instructor**.

RECOMMENDED RESOURCE VOLUMES (Optional. For Purchase on Amazon – not all links work!):

- 1) Corey, G., Corey, M. S., Corey, C., Callanan, P., *Issues and Ethics in the Helping Professions*, Updated with 2014 ACA Codes (Book Only) 9th Edition.

- 2) Koocher, G. P. and Keith-Spiegel, P., *Ethics in Psychology and the Mental Health Professions: Standards and Cases*, Fourth Edition, Oxford University Press, 2016.
- 3) Pope, K. S., Vasquez, Melba J. T., *Ethics in Psychotherapy and Counseling: A Practical Guide 5th Edition*, Hoboken, New Jersey, 2016